

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

TOSHA RIPLEY HALL
TX-1333712-T

§
§
§
§
§
§
§

DOCKETED COMPLAINT NO. 10-077

AGREED FINAL ORDER

On this the _____ day of _____, 2011, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the authorization of Tosha Ripley Hall, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Tosha Ripley Hall neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Tosha Ripley Hall is an authorized trainee who currently holds and held authorization number TX-1333712-T during all times material to the above-noted complaint case.

2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.

3. Respondent appraised real property located at 12909 Thomas Jefferson Street, Manor, Travis County, Texas ("the Jefferson property") on or about April 4th, 2008.

4. Respondent appraised real property located at 13621 Lyndon B. Johnson Street, Manor, Travis County, Texas ("the Johnson property") on or about April 4th, 2008.

5. On or about November 9, 2009, Deloris L. Kraft-Longoria filed a staff-initiated complaint based on allegations that the Respondent had produced appraisal reports for the Johnson and Jefferson properties that did not comply with the USPAP.

6. On or about November 10, 2009, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2001, notified Respondent of the nature and accusations involved and Respondent was afforded

an opportunity to respond to the accusations alleged in the complaint. Respondent's response to the complaint was received.

7. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the Jefferson property:

- (a) Respondent failed to comply with the record-keeping provisions of the Ethics Rule;
- (b) Respondent failed to determine the Scope of Work necessary to develop credible assignment results, and failed to disclose the Scope of Work in the report;
- (c) Respondent failed to identify and report improvement(s) description adequately;
- (d) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
- (e) Respondent failed to provide support and a brief summary of her rationale for her determination of the property's highest and best use;
- (f) Respondent failed to use an appropriate method or technique to develop an opinion of the site value and failed to provide support for the site value determination;
- (g) Respondent failed to collect, verify, analyze, and reconcile the cost new of improvements and accrued depreciations, failed to provide support for such determinations and failed to employ recognized methods and techniques in her cost approach;
- (h) Respondent failed to collect, verify, analyze, and reconcile comparable sales data adequately, and failed to employ recognized methods and techniques in her sales comparison approach;
- (i) Respondent failed to provide support and a brief summary of her rationale for the exclusion of the income approach and failed to collect, verify, analyze and reconcile comparable rental data for subject rent and/or the potential earnings capacity of the property to estimate the gross income potential of the Jefferson property;
- (j) Respondent failed to analyze all sales of the subject within 3 years prior to the effective date of the appraisal and failed to reconcile the quality and quantity of the data within the approaches used and the applicability or suitability of the approaches; and,

- (k) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the Jefferson property.

8. Respondent omitted material facts and made material misrepresentations in the appraisal report for the Jefferson property as detailed above.

9. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the Johnson property:

- (a) Respondent failed to comply with the record-keeping provisions of the Ethics Rule;
- (b) Respondent failed to determine the Scope of Work necessary to develop credible assignment results, and failed to disclose the Scope of Work in the report;
- (c) Respondent failed to identify and report improvement(s) description adequately;
- (d) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
- (e) Respondent failed to provide support and a brief summary of her rationale for her determination of the property's highest and best use;
- (f) Respondent failed to use an appropriate method or technique to develop an opinion of the site value and failed to provide support for the site value determination;
- (g) Respondent failed to collect, verify, analyze, and reconcile the cost new of improvements and accrued depreciations, failed to provide support for such determinations and failed to employ recognized methods and techniques in her cost approach;
- (h) Respondent failed to collect, verify, analyze, and reconcile comparable sales data adequately, and failed to employ recognized methods and techniques in her sales comparison approach;
- (i) Respondent failed to provide support and a brief summary of her rationale for the exclusion of the income approach and failed to collect, verify, analyze and reconcile comparable rental data for subject rent and/or the potential earnings capacity of the property to estimate the gross income potential of the subject;

- (j) Respondent failed to analyze all sales of the subject within 3 years prior to the effective date of the appraisal and failed to reconcile the quality and quantity of the data within the approaches used and the applicability or suitability of the approaches;
- (k) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the Johnson property.

10. Respondent omitted material facts and made material misrepresentations in the appraisal report for the Johnson property as detailed above.

11. Dana Ruth Ripley sponsored Tosha Ripley Hall as an appraiser trainee during all times material to the above-noted complaint cases.

12. Tosha Ripley Hall participated and provided significant real property appraisal assistance in both the Jefferson and Johnson property appraisal reports.

13. Tosha Ripley Hall conducted the inspections of the Jefferson and Johnson properties on her own and had little, if any, interaction with Dana Ruth Ripley during the entire course of preparing the appraisal reports for the Jefferson and Johnson properties.

14. The parties enter into the following consent order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (ethics and record keeping provisions); USPAP Scope of Work Rule; USPAP Standards Rules: 1-2(h) & 2-2(b)(vii); 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 2-2(b)(viii); 1-4(c)(i) & 2-2(b)(viii); 1-5(b) & 2-2(b)(viii); 1-6(a) & (b) and 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by making material misrepresentations and omitting material facts.

4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- 1) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- 2) Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies or the Sales Comparison Approach;
- 3) Attend and complete a minimum, 15 classroom-hour course in Report Writing; and,
- 4) Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for authorization. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Failure to comply with any of the terms required by this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's authorization pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the required terms of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's authorization is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final Order which she has defaulted on and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been

delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 18th day of January, 2011.

Tosha Ripley Hall
TOSHA RIPLEY HALL

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 18th day of January, 2011, by TOSHA RIPLEY HALL, to certify which, witness my hand and official seal.

Melanie J. Jarboe
Notary Public Signature

Melanie J. Jarboe
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 18th day of February, 2011.

Troy Beaulieu
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 18th day of February, 2011.

Douglas Oldmixon
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 18th day of February, 2011.

James B. Ratliff
James B. Ratliff, Chairperson
Texas Appraiser Licensing and Certification Board